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'Israeli Defense' Rejected By Whitworth Spy Jury

Much Time Was Spent Reviewing Evidence

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SAN FRANCISCO, July 25—The federal jury that found retired Navy communications specialist Jerry Alfred Whitworth guilty of espionage Thursday never seriously considered accepting the defense argument that Whitworth thought the material he supplied to admitted spy John Anthony Walker Jr. was going to Israel and that Whitworth therefore did not intend to harm the United States, jurors said in interviews today.

However, they said, not all jurors were convinced that Whitworth knew throughout the entire espionage conspiracy from 1974 to 1983 that the material was being passed to the Soviet Union, as the government charged. Jurors were told they could convict Whitworth if they found that he acted with intent to aid the Soviet Union or harm the United States or had reason to believe his actions would do so.

"We felt partly because of his training and the oath he signed [not to divulge classified information] and the fact that he actually taught other radiomen . . . he had to have known it harmed the U.S.," said jury foreman Donald Neumann, an economist. "He may be gullible, but none of us really bought the Israeli defense."

"Some of the jurors did feel there was a question whether he knew it was going to the Soviets," said juror Roland Young, a senior community relations representative at Pacific Gas & Electric.

"Initially they weren't sure. Even up to the very late stages the ques-

tion remained," he said. "Even so, they . . . either concluded he did know or that it didn't matter" because Whitworth had reason to believe his actions would injure the United States.

The jury of seven women and five men deliberated for 52 hours over 10 days before convicting the 46-year-old former Navy senior chief radioman of seven of eight counts of espionage and all five counts of federal income tax violations with which he was charged. Whitworth's lawyers said they did not know whether they would appeal the conviction.

Jurors said they spent the bulk of their long deliberations methodically reviewing what the chief prosecutor, Assistant U.S. Attorney William S. Farmer, described Thursday as the "mountain of evidence" against Whitworth.

"It was a very conscientious group and we looked at everything, and that's why it took 10 days," said Ross Browne, a produce clerk at Safeway.

Jurors expressed considerable sympathy for Whitworth and extreme distaste for Walker, the chief witness against the former Navy colleague he recruited into the spy ring.

In the first afternoon of deliberations, when they were finally permitted to express their views about the long trial, jurors "vented our individual feelings," Young said, and there was an outpouring of hostility against Walker.

"The man gives a new meaning to the word low," juror Minda Amsbaugh, a bank officer, said.

Foreman Neumann called Walker "the most villainous person I've ever seen," and added, "I personally would feel that it's not just" if Walker were released from prison before Whitworth.

"John Walker was clearly a worm, clearly a despicable character," Young said. "There was a feeling it was just too bad there wasn't another person on trial," he added, referring to Walker. "Walker seems to have gotten the better of this deal and Jerry's left holding the bag."

But, he said, the jury believed that Walker was "essentially telling the truth" in his testimony about Whitworth's participation in the ring.

Walker agreed to plead guilty to espionage and is to be sentenced to life in prison in return for more lenient treatment for his son, Navy Seaman Michael Lance Walker, who also pleaded guilty and is to be sentenced to 25 years.

"We all had our favorite little lies that we thought we detected" in Walker's testimony, Browne said, "but in the end it didn't make a difference because there was enough corroborating testimony on all the major issues." He said he thought payment schedules seized in both men's homes were "especially damning," a factor also cited by Neumann.

Whitworth faces a maximum penalty of seven life terms plus 17 years. If Whitworth is sentenced to life, he and John Walker technically will be eligible for parole after serving 10 years. But prosecutors said it is highly improbable that either man will be released after serving so short a period.

Young described Whitworth as a "likable" but "gullible" person. "Jerry as a person probably is very remorseful, probably feels as much a victim as anyone," Young said. But, he said, Whitworth "failed to exercise adult judgment. He let his greed, let his relationship with Walker, rule him."

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JERRY ALFRED WHITWORTH
... described as likable, gullible

"In the same way Michael spied because he sought his father's approval, I think Jerry positioned himself to please Walker and subjugated his common sense," Young said.

Jurors said they could not agree on a verdict on the remaining charge—a count of unlawfully obtaining national defense information involving a classified Navy communications manual found in Whitworth's Davis, Calif., mobile home—because they were divided about whether he had the intent to pass the document to Walker or whether he inadvertently removed it from the USS Enterprise.

Jurors said the trial left them sad and drained. "The idea of lowering the boom on someone is not a comforting thought," Young said. Still, he said, although "I'm not the flag-waving type . . . he jeopardized all of us, not just himself, but everyone that depends on American security."

"It's tragic for all concerned," Amsbaugh said. "For him, for all the people involved, of course for the country. My God, we're talking about the national defense."